UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,334	09/16/2003	Yukio Tajima	117192	9252

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>08 April 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-20 and 22*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

                      /Larry D Donaghue/
                      Primary Examiner, Art Unit 2454

Continuation of 3. NOTE: The amendment to claim 4 changes the scope of the claim, therefore requiring further search and consideration.

 Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

Applicant argues Reifman in view of Sadr-Salek failed to disclose a terminal connected to a network and configured to enable a user to create instructions identifying a location of document data to be processed and identifying plural service processes to be executed on the document data, and a correspondence relation associating a specific event and one or more instructions that are to be processed when the specific event occurs. Applicant agrees that Reifman disclosed instructions for load balancing and a correspondence between a specific event (receiving six faxes) and a process instruction to be executed. Looking at Reifman alone, it would have been obvious to allow a user to create the instructions in Reifman rather than pre-install the instructions to allow for more user flexibility in use of Reifman. Looking at the combination of Reifman and Sadr-Salek, the remote control of Sadr-Salek is viewed as creating the user controls for creating the instructions in Reifman.

Applicant argues Reifman in view of Sadr-Salek failed to disclose an identifying unit connected to the network that receives a notification from at least one of the plural service processing apparatuses that the specific event has occurred, and that identifies the one or more of the instructions corresponding to the specific event based on the notification that the specific event has occurred and on the basis of the correspondence relation. Applicant agrees that Reifman disclosed a mailbox notifying a user that a fax has arrived. The receipt of the fax would trigger the notification, and the notification would execute instructions putting the graphics on screen showing the user that the fax was present in the mailbox.

Applicant argues Reifman in view of Sadr-Salek failed to disclose a cooperative processing unit that makes two or more of the plural service processing apparatuses cooperatively execute the plural service processes on the document data on the basis of the interpreted one or more of the instructions.. Sadr-Salek disclosed remote control of a fax machine. Reifman disclosed controlling load balancing on a fax machine. The combination of Sadr-Salek with Reifman disclosed use of two fax machines in load balancing (taught by load balancing in Reifman) being remotely controlled (remote control of fax machine in Sadr-Salek).

Applicant argues Reifman in view of Sadr-Salek failed to disclose a sending unit that sends the identified one or more of the instructions to two or more cooperative processing apparatus that cooperatively execute the plural service processes on the document data. Sadr-Salek disclosed remote control of a fax machine. Reifman disclosed controlling load balancing on a fax machine. The combination of Sadr-Salek with Reifman disclosed use of two fax machines in load balancing (taught by load balancing in Reifman) being remotely controlled (remote control of fax machine in Sadr-Salek).